

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MARIAM BAILEY

PLAINTIFF

V.

CIVIL ACTION NO. 3:14-CV-72-SA-JMV

STANLEY ACCESS TECHNOLOGIES, INC., and
DESOTO INNS, INC.

DEFENDANTS

ORDER

For reasons fully articulated in a memorandum opinion issued this day, the Court orders the following:

The Report and Recommendations [140] of the United States Magistrate Judge dated September 9, 2015, are hereby approved and adopted as the opinion of the Court. Defendant Stanley Access Technologies, Inc.'s motion to strike Plaintiff's untimely supplemental expert report [101] is GRANTED, and the supplemental expert report of Dr. Warren Davis is hereby stricken.

DeSoto Inns' Motion to Strike [142] is GRANTED, and the supplemental affidavits of Warren Davis [138-1, 139-1] are hereby stricken.

Defendant DeSoto Inns' motion to exclude the expert testimony of Warren Davis [99] is GRANTED in part and DENIED in part. Davis' testimony is excluded to the extent it provides a definitive legal conclusion about causation and the definitive causal link between DeSoto Inns' alleged failure to perform daily inspection and the Plaintiff's injuries.

Defendant Stanley's motion to exclude the expert testimony of Warren Davis [106] is GRANTED in part and DENIED in part. Davis' testimony is excluded to the extent that it provides a definitive legal conclusion about Stanley's duty to the Plaintiff.

Defendant DeSoto Inns' motion to exclude the expert testimony of David Sitter [97] is GRANTED in part and DENIED in part. Sitter's testimony is excluded to the extent it provides a conclusion to the jury about causation and the definitive causal link between DeSoto Inns' alleged failure to perform daily inspection and the Plaintiff's injuries.

Defendant Stanley's motion to exclude the expert testimony of Michael Panish [108] is GRANTED in part and DENIED in part. As outlined above, Panish's first three opinions are excluded, and Panish's fourth opinion is admitted.

Defendant Desoto Inns' Motion for summary judgment [95] is DENIED.

Defendant Stanley Access Technologies Inc.'s Motion for summary judgment [110] is DENIED.

SO ORDERED on this, the 6th day of November, 2015.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE